

Notice of Allowability

Application No.

10/848,744

Examiner

Brenda Pham

Applicant(s)

VASSEUR ET AL.

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/29/05.
2. ☒ The allowed claim(s) is/are 1-5,8-14 and 17-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Brenda H. Pham

4/10/05

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Ms Cindy S. Kaplan, Reg. No. 40,043 on November 10, 2005.

3. The application has been amended as follows:

Claims 7, 16, 23, 24, 25 and 26 are canceled.

Claim 8 is deleted in entirety and is replace it with the following:

"A method of operating a path computation element to increase the likelihood of successful path placements, said method comprising:

distributing a reoptimization request to a plurality of nodes within said network;

receiving requests for reoptimization of paths until a timer expires; and

thereafter

recomputing said paths in response to said requests;

wherein recomputing comprises: recomputing employing a virtual shortest path tree technique."

Claim 9 is deleted in entirety and is replace it with the following:

“A method of operating a path computation element to increase the likelihood of successful path placements, said method comprising:

distributing a reoptimization request to a plurality of nodes within said network;

receiving requests for reoptimization of paths until a timer expires; and

thereafter

recomputing said paths in response to said requests;

wherein recomputing comprises: recomputing said paths in order of decreasing bandwidth requirements.”

Claim 17 is deleted in entirety and is replace it with the following:

“A computer program product for operating a path computation element to increase the likelihood of successful path placements, said computer program product comprising:

code that causes distribution of a reoptimization request to a plurality of nodes within said network;

code that causes reception of requests for reoptimization of paths until a timer expires;

code that causes recomputation of said paths in response to said requests; and

a computer-readable medium that holds the codes;

wherein said code that causes recomputation of paths comprises: code that causes recomputation employing a virtual shortest path tree technique.”

Claim 18 is deleted in entirety and is replace it with the following:

"A computer program product for operating a path computation element to increase the likelihood of successful path placements, said computer program product comprising:

code that causes distribution of a reoptimization request to a plurality of nodes within said network;

code that causes reception of requests for reoptimization of paths until a timer expires;

code that causes recomputation of said paths in response to said requests; and

a computer-readable medium that holds the codes;

wherein said code that causes recomputation comprises: code that causes recomputation of said paths in order of decreasing bandwidth requirements."

Claim 20, line 10, after "code that causes recomputation of said paths in response to said requests", inserted "wherein code that causes recomputation of said paths comprises code that causes recomputation employing a virtual shortest path tree technique."

Claim 22, line 7, after "means for recomputing said paths in response to said requests", inserted ", wherein recomputing comprises: recomputing employing a virtual shortest path tree technique."

REASONS FOR ALLOWANCE

4. Claims 1-5, 8-14, 17-22 allowed over prior art.
5. The following is an examiner's statement of reasons for allowance: the prior art made of record fails to teach or fairly suggests in combination wherein determining that a fragmented bandwidth condition exists in a network comprises monitoring a failure rate in establishing paths and comparing results of said monitoring to a failure rate criterion.

The prior made of record fails to teach or fairly suggests in combination method comprising: determining that a fragmented bandwidth condition exists in a network; and in response to said fragmented bandwidth condition, causing rerouting of MPLS Traffic Engineering paths to increase likelihood of successful placements; where rerouting comprises receiving requests for reoptimization of paths until a timer expires; thereafter, recomputing said paths in response to said requests.

The prior art further fails to teach in combination wherein recomputing comprises: recomputing employing a virtual shortest path tree technique.

The prior art further fails to teach in combination wherein recomputing comprises: recomputing said paths in order of decreasing bandwidth requirements.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

November 10, 2005

Brenda Pham

Brenda A. Pham